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Application Number: 09/826,440

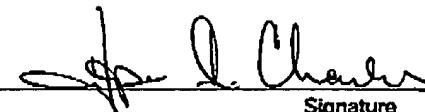
Filing Date: Apr 04, 2001

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Fax Transmittal Cover Sheet
Response to Office Action (3/9/2004) (20 pages)
Fee Transmittal, in duplicate

Total Pages in Transmission: 23

PTO Fax Number: 703.872.9306

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete If Known

| | |
|----------------------|--------------------|
| Application Number | 09/826,440 |
| Filing Date | Apr 04, 2001 |
| First Named Inventor | Hertley |
| Examiner Name | JOHNSON, TIMOTHY M |
| Art Unit | 2825 |
| Attorney Docket No. | MS1-719US |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number **12-0769**
 Deposit Account Name **Lee & Hayes, PLLC**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid |
|---------------------|--------------|------------------|----------|------------------------|----------|
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Release filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | (\$ 0.00) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Extra Claims from below | Fee Paid |
|--------------|--------------------|-------------------------|----------|
| | | -20** = | X = 0 |
| | | -3** = | X = 0 |
| | | | |

| Large Entity | Small Entity | Fee Description |
|---------------------|--------------|---|
| 1202 | 18 | 2202 9 Claims in excess of 20 |
| 1201 | 88 | 2201 43 Independent claims in excess of 3 |
| 1203 | 280 | 2203 145 Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 43 ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$ 0.00) |

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code (\$) | Fee (\$) | Fee Description | Fee Paid |
|-----------------------------------|--------------|---------------------------------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | 110 |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 550 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | | |
| *Reduced by Basic Filing Fee Paid | | SUBTOTAL (3) (\$ 110.00) | | | |

SUBMITTED BY (Complete if applicable)

| | | | | |
|-------------------|----------------------|-----------------------------------|--------|--------------------------|
| Name (Print/Type) | Brian G. Hart | Registration No. (Attorney/Agent) | 44,421 | Telephone (509) 324-9256 |
| Signature | <i>Brian G. Hart</i> | | Date | (6/22/04) |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Appl. No. 09/826,440
Response to March 09, 2004 Non-Final Office action

JUN 22 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/826,440
Filing Date Apr 04, 2001
Inventorship..... Herley
Applicant Microsoft Corporation
Group Art Unit..... 2625
Examiner JOHNSON, TIMOTHY M
Attorney's Docket No. MS1-719US

OFFICIAL

RESPONSE TO NON-FINAL OFFICE ACTION DATED MARCH 9, 2004

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Brian G. Hart (Tel. 303-; Fax 303-634-2236)
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

Appl. No. 09/826,440

Response to March 09, 2004 Non-Final Office action

INTRODUCTORY COMMENTS

This communication is responsive to the Office Action ("Action") dated March 09, 2004. Please amend the above-captioned application as follows:

- **Amendments to the Claims** begin on page 3 of this paper
- **Remarks/Arguments** begin on page 20 of this paper.